IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.MC.No. 2630 of 2006()

CC.131/2003 of JUDL.MAGISTRATE OF FIRST CLASS, PALA

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PETITIONER/ACCUSED:

P.PRITHEERAJ, S/O.GOPALAN,
AGED 39 YEARS, KAMAL (H),
PUTHIYARA.P.O., CALICUT.

BY ADV. SRI.KRISHNADAS P. NAIR
SRI.HARIDAS P.NAIR
SRI.M.A.VINOD
SMT.K.L.SREEKALA

RESPONDENTS/STATE/COMPLAINANT:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. MALABAR CHIT FUNDS PVT. LTD.,
3RD FLOOR, JAYANTHI BUILDINGS,
CALICUT, REP. BY ITS RAMAPURAM BRANCH ASSISTANT
MANAGER, JAYAMMA SHAJU, AGED 32 YEARS,
W/O.SHAJU THOMAS, CHEMPLAYIL, VELLIYEPPALLY.P.O.,
PALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/02/2007, ALONG WITH TPCR NO. 18 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2630 of 2006
& Tr.P.(Crl).No.18 of 2007

Dated this the 19th day of February 2007

O R D E R

These petitions are filed by the complainant (Tr.P.Crl.No.18/2007) and the accused (Crl.M.C.No.2630 of 2006) respectively in S.T.No.284/2006 pending before the Judicial First Class Magistrate Court, Pala. There is a prayer in both these petitions that the case pending before the court at Pala may be transferred to the court at Calicut.

2. It is the case of the accused that the court at Pala has no territorial jurisdiction and that only the court at Calicut has territorial jurisdiction. The complainant also now prays that the cases may be transferred to any court of competent jurisdiction at Calicut. I am satisfied that the said request made separately by the complainant and the accused can be accepted and transfer can be directed, as prayed for.

3. Though the petitioner/accused in Crl.M.C.No.2630/2006 has made a further alternative prayer that the complaint may be quashed. I find absolutely no merit in

such prayer. The prayer for transfer can be granted as prayed for.

4. In the result, these petitions are allowed. S.T.No.284/2006 (earlier number is C.C.No.131/2003) is transferred from the Judicial First Class Magistrate Court, Pala to the Judicial First Class Magistrate Court-I, Calicut. Parties shall appear before the learned Magistrate at Calicut on 26/03/2007 without waiting for any further directions. The court at Pala shall forthwith forward the records to the court at Calicut.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006